

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

JANE DOE,)	Case No.
)	
Plaintiff)	COMPLAINT,
)	DEMAND FOR JURY
vs.)	and PRAECIPE
)	
C & A INDUSTRIES, LLC)	
)	
Defendant.)	

COMES NOW the Plaintiff, by and through her attorney, and for her complaint and causes of action against the Defendant states as follows:

1. This is an action seeking redress for the violation of the rights guaranteed to the Plaintiff by the Nebraska Fair Employment Practices Act.

2. Jurisdiction of this Court is invoked pursuant to the Nebraska Fair Employment Practices Act.

3. Plaintiff has fulfilled the administrative prerequisites to filing the instant complaint by filing a charge of discrimination against Defendant with the Lincoln Commission on Human Rights (LCHR). The LCHR filed Plaintiff's administrative charge with the Nebraska Equal Employment Opportunity Commission and Equal Employment Opportunity Commission. The LCHR found reasonable cause to believe that the Plaintiff was subjected to unlawful on the job sexual harassment, quid pro quo harassment and that Plaintiff was constructively discharged from Defendant's employment. The instant action is timely as the NEOC charge is pending.

4. At all times relevant, the female Plaintiff was a resident of Lincoln, Lancaster County, Nebraska.

5. Defendant is a Nebraska corporation authorized to do business in and was doing business in the State of Nebraska at all times alleged herein. Defendant is an employer within the meaning of the Nebraska Fair Employment Practices Act.

6. Plaintiff was employed by Defendant as an office coordinator from February 11, 2019 through the date of her constructive discharge on May 10, 2019. Plaintiff's performance was satisfactory.

7. During Plaintiff's tenure of employment with Defendant, Defendant's male Branch Manager repeatedly made unwelcomed, offensive, vulgar, gender-based, and sexual comments to Plaintiff about her physical appearance and body. Defendant's Branch Manager also demanded sexual favors from Plaintiff and engaged in other egregious acts of sexual harassment directed towards the Plaintiff. Defendant's Branch Manager also engaged in quid pro quo sexual harassment of the Plaintiff.

8. At all times alleged, the male Branch Manager was a management level employee of Defendant corporation and directly supervised the hourly rate female Plaintiff during her tenure of employment with Defendant.

9. The unlawful sexual, quid pro quo, and gender based harassment and gender-based discrimination was sufficiently patterned and/or pervasive and/or egregious to create a hostile work environment which ultimately culminated in Plaintiff's constructive discharge.

10. At all times alleged herein, Defendant's employees, supervisors and/or management level employees were acting in the scope and course of their employment with the Defendant.

11. At all times relevant, Defendant was aware of its duty and obligations under the aforementioned law(s). Defendant's conduct was willful and/or reckless.

12. As a result of Defendant's illegal conduct, Plaintiff has sustained significant compensatory damages, has incurred medical bills and related expenses, lost wages and job-related benefits. These damages will continue into the foreseeable future.

COUNT I

Plaintiff incorporates paragraphs 1 through 12 as if fully set forth herein.

13. Due to her gender, the female Plaintiff was subjected to a sexually and gender based hostile work environment and gender discrimination. Said actions violate the Nebraska Fair Employment Practices Act.

14. As a direct, proximate result of Defendant's aforementioned illegal conduct, Plaintiff has sustained compensatory damages and incurred medical bills and related expenses, lost wages and the value of job-related benefits and will continue to incur said damages into the future.

15. Defendant's conduct was willful and/or reckless.

COUNT II

Plaintiff incorporates paragraphs 1 through 15 as if fully set forth herein.

16. Due to her gender, the female Plaintiff was subjected to quid pro quo harassment by Defendant's male Branch Manager. Said conduct violates the Nebraska Fair Employment Practices Act.

17. As a direct, proximate result of Defendant's aforementioned illegal conduct, Plaintiff has sustained compensatory damages and incurred medical bills and related expenses, lost wages and the value of job-related benefits and will continue to incur said damages into the future.

18. Defendant's conduct was willful and/or reckless.

COUNT III

Plaintiff incorporates paragraphs 1 through 18 as if fully set forth herein.

19. Due to the ongoing harassment and discrimination, Plaintiff was constructively discharged from Defendant's employment. Said conduct violates the Nebraska Fair Employment Practices Act.

20. As a direct, proximate result of Defendant's aforementioned illegal conduct, Plaintiff has sustained compensatory damages and incurred medical bills and related expenses, lost wages and the value of job-related benefits and will continue to incur said damages into the future.

21. Defendant's conduct was willful and/or reckless.

WHEREFORE, Plaintiff respectfully requests that this Court assume jurisdiction herein as to each count alleged herein and grant the following relief:

- a. Declare the conduct of Defendant to be violative of the rights of the Plaintiff under the appropriate law(s);
- b. Allow the Plaintiff to proceed under the name of "Jane Doe";
- c. Direct Defendant to place Plaintiff in the position(s) which she previously held with back pay, all the job-related benefits to which she is entitled, including interest thereon, or to find that reinstatement is not appropriate and to award her front pay according to law;
- d. Award Plaintiff prejudgment interest in an amount to be determined by the jury or the Court;
- e. Award Plaintiff all other damages allowed under law, including, but not limited to, compensatory damages and special damages for medical bills and related expenses;

f. Enjoin Defendant from any further harassment and discrimination against the Plaintiff;

g. Award the Plaintiff costs and reasonable attorney's fees and such other and further relief as the Court deems just and reasonable and appropriate to correct the wrongs done to the Plaintiff.

JANE DOE, Plaintiff

s/Kathleen M. Neary
Kathleen M. Neary NSBA 20212
POWERS LAW
411 South 13th Street, Suite 300
Lincoln, NE 68508
(402) 474-8000
kathleen@vpowerslaw.com

DEMAND FOR JURY TRIAL

Plaintiff requests a jury trial in Lincoln, Nebraska.

s/Kathleen M. Neary
Kathleen M. Neary NSBA 20212

PRAECIPE

TO THE CLERK OF SAID COURT:

Please issue summons for service upon Defendant's Registered Agent, via certified mail, return receipt requested:

C & A Industries, LLC

Registered Agent: CSC-Lawyers Incorporating Service Company
Suite 1900
233 South 13th Street
Lincoln, NE 68508

s/Kathleen M. Neary
Kathleen M. Neary NSBA 20212

Image ID:
D00592029D02

SUMMONS

Doc. No. 592029

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA
575 S. 10th Street - 3rd Floor
SEPARATE JUVENILE COURT-4th Floor
Lincoln NE 68508

Jane Doe v. C & A Industries, LLC

Case ID: CI 20 619

TO: C & A Industries, LLC

FILED BY

Clerk of the Lancaster District Court
02/25/2020

You have been sued by the following plaintiff(s):

Jane Doe

Plaintiff's Attorney: Kathleen M Neary
Address: 411 S 13th St Ste 300
P.O. 84936
Lincoln, NE 68501-4936
Telephone: (402) 474-8000

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Date: FEBRUARY 25, 2020

BY THE COURT:

Tracy Z. Link
Clerk



PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

C & A Industries, LLC
c/o CSC-Lawyers Incorp Service Co
233 S 13th St, Ste 1900
Lincoln, NE 68508

Method of service: Certified Mail

You are directed to make such service within ten days after the date of issue, and file with the court clerk proof of service within ten days after the signed receipt is received or is available electronically, whichever occurs first.

SERVICE RETURN

Doc. No. 592029

LANCASTER DISTRICT COURT
 575 S. 10th Street - 3rd Floor
 SEPARATE JUVENILE COURT-4th Floor
 Lincoln NE 68508

To:

Case ID: CI 20 619 Jane Doe v. C & A Industries, LLC

Received this Summons on _____, _____. I hereby certify that on
 _____, _____ at _____ o'clock __M. I served copies of the Summons
 upon the party:

by _____

as required by Nebraska state law.

Service and return \$ _____

Copy _____

Mileage _____ miles _____

TOTAL \$ _____

Date: _____ BY: _____
 (Sheriff or authorized person)

**CERTIFIED MAIL
 PROOF OF SERVICE**

Copies of the Summons were mailed by certified mail,
 TO THE PARTY: _____

At the following address: _____

on the _____ day of _____, as required by Nebraska state law.

Postage \$ _____ Attorney for: _____

The return receipt for mailing to the party was signed on _____, _____.

To: C & A Industries, LLC
 c/o CSC-Lawyers Incorp Service Co
 233 S 13th St, Ste 1900
 Lincoln, NE 68508

From: Kathleen M Neary
 411 S 13th St Ste 300
 P.O. 84936
 Lincoln, NE 68501-4936

ATTACH RETURN RECEIPT & RETURN TO COURT

SERVICE RETURN

Doc. No. 592029

LANCASTER DISTRICT COURT
 575 S. 10th Street - 3rd Floor
 SEPARATE JUVENILE COURT-4th Floor
 Lincoln NE 68508

To:

Case ID: CI 20 619 Jane Doe v. C & A Industries, LLC

Received this Summons on

I hereby certify that on

COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p><u>C & A Industries LLC</u> <u>c/o CSC - Lawyers Incorp Service Co.</u> <u>233 S. 13th St. Ste 1900</u> <u>Lincoln, NE 68508</u></p> <p>2. A <u>7018 0680 0000 0782 1569</u> (Transfer from service label)</p>	<p>A. Signature <u>X Anthony M. Neary</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>T. H. G. COLN</u> C. Date of Delivery <u>2 2020</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail</p>

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

Date:

By:

(Sheriff or authorized person)

LANCASTER COUNTY

2020 MAR -6 PM 4:13

CLERK OF THE DISTRICT COURT

**CERTIFIED MAIL
PROOF OF SERVICE**

Copies of the Summons were mailed by certified mail,

TO THE PARTY:

At the following address:

C & A Industries LLC
c/o CSC - Lawyers Incorp Service Co.
233 S. 13th St. Ste 1900
Lincoln, NE 68508

on the 27th day of February 2020, as required by Nebraska state law.Postage \$ 7.05

Attorney for:

Kathleen M. Neary
Jane Doe

The return receipt for mailing to the party was signed on March 2, 2020

To: C & A Industries, LLC
 c/o CSC-Lawyers Incorp Service Co
 233 S 13th St, Ste 1900
 Lincoln, NE 68508

From: Kathleen M Neary
 411 S 13th St Ste 300
 P.O. 84936
 Lincoln, NE 68501-4936

**ATTACH RETURN RECEIPT & RETU**

001992147D02

d

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

JANE DOE,)	Case: CI 20-619
)	
Plaintiff)	FIRST AMENDED COMPLAINT,
)	DEMAND FOR JURY
vs.)	and PRAECIPE
)	
C & A INDUSTRIES, LLC)	
)	
Defendant.)	

COMES NOW the Plaintiff, by and through her attorney, and for her complaint and causes of action against the Defendant states as follows:

1. This is an action seeking redress for the violation of the rights guaranteed to the Plaintiff by the Nebraska Fair Employment Practices Act and Title VII of the Civil Rights Act, as amended.

2. Jurisdiction of this Court is invoked pursuant to the Nebraska Fair Employment Practices Act. This Court has concurrent jurisdiction of the federal claims.

3. Plaintiff has fulfilled the administrative prerequisites to filing the instant complaint by filing a charge of discrimination against Defendant with the Lincoln Commission on Human Rights (LCHR). The LCHR filed Plaintiff's administrative charge with the Nebraska Equal Employment Opportunity Commission and Equal Employment Opportunity Commission. The LCHR found reasonable cause to believe that the Plaintiff was subjected to unlawful on the job sexual harassment, quid pro quo harassment and that Plaintiff was constructively discharged from Defendant's employment. The instant action is timely as the NEOC charge is pending and the EEOC issued its Right to Sue notice on March 10, 2020.

4. At all times relevant, the female Plaintiff was a resident of Lincoln, Lancaster County, Nebraska.

5. Defendant is a Nebraska corporation authorized to do business in and was doing business in the State of Nebraska at all times alleged herein. Defendant is an employer within the meaning of the Nebraska Fair Employment Practices Act and Title VII of the Civil Rights Act, as amended.

6. Plaintiff was employed by Defendant as an office coordinator from February 11, 2019 through the date of her constructive discharge on May 10, 2019. Plaintiff's performance was satisfactory.

7. During Plaintiff's tenure of employment with Defendant, Defendant's male Branch Manager repeatedly made unwelcomed, offensive, vulgar, gender-based, and sexual comments to Plaintiff about her physical appearance and body. Defendant's Branch Manager also demanded sexual favors from Plaintiff and engaged in other egregious acts of sexual harassment directed towards the Plaintiff. Defendant's Branch Manager also engaged in quid pro quo sexual harassment of the Plaintiff.

8. At all times alleged, the male Branch Manager was a management level employee of Defendant corporation and directly supervised the hourly rate female Plaintiff during her tenure of employment with Defendant.

9. The unlawful sexual, quid pro quo, and gender-based harassment and gender-based discrimination was sufficiently patterned and/or pervasive and/or egregious to create a hostile work environment which ultimately culminated in Plaintiff's constructive discharge.

10. At all times alleged herein, Defendant's employees, supervisors and/or management level employees were acting in the scope and course of their employment with the Defendant.

11. At all times relevant, Defendant was aware of its duty and obligations under the aforementioned law(s). Defendant's conduct was willful and/or reckless. Punitive damages are appropriate.

12. As a result of Defendant's illegal conduct, Plaintiff has sustained significant compensatory damages, has incurred medical bills and related expenses, lost wages and job-related benefits. These damages will continue into the foreseeable future.

COUNT I

Plaintiff incorporates paragraphs 1 through 12 as if fully set forth herein.

13. Due to her gender, the female Plaintiff was subjected to a sexually and gender based hostile work environment and gender discrimination. Said actions violate the Nebraska Fair Employment Practices Act and Title VII of the Civil Rights Act, as amended.

14. As a direct, proximate result of Defendant's aforementioned illegal conduct, Plaintiff has sustained compensatory damages and incurred medical bills and related expenses, lost wages and the value of job-related benefits and will continue to incur said damages into the future.

15. Defendant's conduct was willful and/or reckless and punitive damages are appropriate under federal law.

COUNT II

Plaintiff incorporates paragraphs 1 through 15 as if fully set forth herein.

16. Due to her gender, the female Plaintiff was subjected to quid pro quo harassment by Defendant's male Branch Manager. Said conduct violates the Nebraska Fair Employment Practices Act and Title VII of the Civil Rights Act, as amended.

17. As a direct, proximate result of Defendant's aforementioned illegal conduct, Plaintiff has sustained compensatory damages and incurred medical bills and related expenses, lost wages and the value of job-related benefits and will continue to incur said damages into the future.

18. Defendant's conduct was willful and/or reckless and punitive damages are appropriate under federal law.

COUNT III

Plaintiff incorporates paragraphs 1 through 18 as if fully set forth herein.

19. Due to the ongoing harassment and discrimination, Plaintiff was constructively discharged from Defendant's employment. Said conduct violates the Nebraska Fair Employment Practices Act and Title VII of the Civil Rights Act, as amended.

20. As a direct, proximate result of Defendant's aforementioned illegal conduct, Plaintiff has sustained compensatory damages and incurred medical bills and related expenses, lost wages and the value of job-related benefits and will continue to incur said damages into the future.

21. Defendant's conduct was willful and/or reckless and punitive damages are appropriate under federal law.

WHEREFORE, Plaintiff respectfully requests that this Court assume jurisdiction herein as to each count alleged herein and grant the following relief:

- a. Declare the conduct of Defendant to be violative of the rights of the Plaintiff under the appropriate laws;
- b. Allow the Plaintiff to proceed under the name of "Jane Doe;"

- c. Direct Defendant to place Plaintiff in the position(s) which she previously held with back pay, all the job-related benefits to which she is entitled, including interest thereon, or to find that reinstatement is not appropriate and to award her front pay according to law;
- d. Award Plaintiff prejudgment interest in an amount to be determined by the jury or the Court;
- e. Award Plaintiff all other damages allowed under law, including, but not limited to, compensatory damages and special damages for medical bills and related expenses;
- f. Enjoin Defendant from any further harassment and discrimination against the Plaintiff;
- g. Award Plaintiff punitive damages under federal law.
- h. Award the Plaintiff costs and reasonable attorney's fees and such other and further relief as the Court deems just and reasonable and appropriate to correct the wrongs done to the Plaintiff.

JANE DOE, Plaintiff

s/Kathleen M. Neary
Kathleen M. Neary NSBA 20212
POWERS LAW
411 South 13th Street, Suite 300
Lincoln, NE 68508
(402) 474-8000
kathleen@vpowerslaw.com

DEMAND FOR JURY TRIAL

Plaintiff requests a jury trial in Lincoln, Nebraska.

s/Kathleen M. Neary
Kathleen M. Neary NSBA 20212

PRAECIPE

TO THE CLERK OF SAID COURT:

Please issue summons for service upon Defendant's Registered Agent, via certified mail, return receipt requested:

C & A Industries, LLC

Registered Agent: CSC-Lawyers Incorporating Service Company
Suite 1900
233 South 13th Street
Lincoln, NE 68508

s/Kathleen M. Neary
Kathleen M. Neary NSBA 20212

Certificate of Service

I hereby certify that on Thursday, March 12, 2020 I provided a true and correct copy of the Amended Complaint to the following:

C & A Industries, LLC service method: Certified Mail

Signature: /s/ Neary,Kathleen,M (Bar Number: 20212)

Image ID:
D00593214D02

SUMMONS

Doc. No. 593214

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA
575 S. 10th Street - 3rd Floor
SEPARATE JUVENILE COURT-4th Floor
Lincoln NE 68508

Jane Doe v. C & A Industries, LLC

Case ID: CI 20 619

TO: C & A Industries, LLC

FILED BY

Clerk of the Lancaster District Court
03/12/2020

You have been sued by the following plaintiff(s):

Jane Doe

Plaintiff's Attorney: Kathleen M Neary
Address: 411 S 13th St Ste 300
P.O. 84936
Lincoln, NE 68501-4936
Telephone: (402) 474-8000

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Date: MARCH 12, 2020

BY THE COURT:

Trey Z. Link
Clerk



PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

C & A Industries, LLC
c/o CSC-Lawyers Incorp Service Co
233 S 13th St, Ste 1900
Lincoln, NE 68508

Method of service: Certified Mail

You are directed to make such service within ten days after the date of issue, and file with the court clerk proof of service within ten days after the signed receipt is received or is available electronically, whichever occurs first.

SERVICE RETURN

Doc. No. 593214

LANCASTER DISTRICT COURT
 575 S. 10th Street - 3rd Floor
 SEPARATE JUVENILE COURT-4th Floor
 Lincoln NE 68508

To:

Case ID: CI 20 619 Jane Doe v. C & A Industries, LLC

Received this Summons on _____, _____. I hereby certify that on
 _____, _____ at _____ o'clock __M. I served copies of the Summons
 upon the party:

by _____

as required by Nebraska state law.

Service and return \$ _____

Copy _____

Mileage ____miles _____

TOTAL \$ _____

Date: _____ BY: _____
 (Sheriff or authorized person)

**CERTIFIED MAIL
 PROOF OF SERVICE**

Copies of the Summons were mailed by certified mail,
 TO THE PARTY: _____

At the following address: _____

on the _____ day of _____, as required by Nebraska state law.

Postage \$ _____ Attorney for: _____

The return receipt for mailing to the party was signed on _____, _____.

To: C & A Industries, LLC
 c/o CSC-Lawyers Incorp Service Co
 233 S 13th St, Ste 1900
 Lincoln, NE 68508

From: Kathleen M Neary
 411 S 13th St Ste 300
 P.O. 84936
 Lincoln, NE 68501-4936

ATTACH RETURN RECEIPT & RETURN TO COURT